

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEGATUS; WEINGARTZ SUPPLY COMPANY;
and DANIEL WEINGARTZ, President of
Weingartz Supply Company,

Plaintiffs,

v.

Case No. 12-12061

KATHLEEN SEBELIUS, Secretary of the United
States Department of Health and Human
Services; UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; HILDA
SOLIS, Secretary of the United States
Department of Labor; UNITED STATES
DEPARTMENT OF LABOR; TIMOTHY
GEITHNER, Secretary of the United States
Department of the Treasury; and UNITED
STATES DEPARTMENT OF THE TREASURY,

Defendants.

PRELIMINARY INJUNCTION ORDER

This matter having come before the court on Plaintiffs' motion for a preliminary injunction and this court having reviewed the pleadings and heard arguments from counsel, the court hereby GRANTS Plaintiffs' motion for a preliminary injunction as it pertains to Plaintiffs Daniel Weingartz and Weingartz Supply Company.

Plaintiffs Daniel Weingartz and Weingartz Supply Company sought preliminary injunctive relief under the Religious Freedom Restoration Act, 42 U.S.C. §2000bb *et seq.* claiming that the regulations at issue violated Daniel Weingartz's exercise of religion. While neither Plaintiffs nor the Government have shown a strong likelihood of success on the merits, the balance of harms tips strongly in Plaintiffs' favor. Plaintiffs

have shown that there is a risk that the regulations will substantially infringe on Daniel Weingartz's sincere exercise of religious beliefs, thereby causing irreparable injury. On January 1, 2013, the regulations would be enforced against Plaintiffs in the absence of a preliminary injunction. The Government will suffer comparatively minimal harm if an injunction is granted. A preliminary injunction is warranted.

Accordingly, Defendants, their agents, officers, and employees, in addition to Plaintiffs' insurance third party administrator Blue Cross/Blue Shield of Michigan, and any requirement that Plaintiffs Daniel Weingartz and Weingartz Supply Company provide contraception, abortifacients, or related education and counseling in its employee health plans contrary to its religious objections, are hereby ENJOINED from any application or enforcement thereof against Plaintiffs Daniel Weingartz and Weingartz Supply Company, including the substantive requirements imposed in 42 U.S.C. § 300gg-13(a)(4), Pub. L. 111-148, §1563(e)-(f), the application of the penalties found in 26 U.S.C. §§ 4980D & 4980H and 29 U.S.C. § 1132, and any determination that any requirement is applicable to Plaintiffs Daniel Weingartz and Weingartz Supply Company.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 13, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 13, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522